

AMENDED IN ASSEMBLY JUNE 15, 2010

AMENDED IN SENATE APRIL 28, 2010

AMENDED IN SENATE APRIL 19, 2010

AMENDED IN SENATE APRIL 5, 2010

**SENATE BILL**

**No. 1351**

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**Introduced by Senator Wright**

February 19, 2010

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An act to ~~add Section 38566 to~~ *amend Section 38505 of, and to add Section 38566 to*, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1351, as amended, Wright. California Global Warming Solutions Act of 2006: State Air Resources Board regulations.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions.

This bill would require the state board to make available to the public, at the time that the state board adopts a regulation pursuant to the act, any implementation schedule that is required to ~~initiate compliance~~ *comply* with that regulation. The state board would be required to make available to the public on the state board's Internet Web site any reporting form, *metric, compliance tool, or training requirement*, that is required to ~~initiate compliance~~ *comply* with a regulation adopted

pursuant to the act at least 45 60 days prior to the date required for filing that form compliance in accordance with the implementation schedule.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 38505 of the Health and Safety Code is*  
2     *amended to read:*

3     38505. For the purposes of this division, the following terms  
4     have the following meanings:

5     (a) “Allowance” means an authorization to emit, during a  
6     specified year, up to one ton of carbon dioxide equivalent.

7     (b) “Alternative compliance mechanism” means an action  
8     undertaken by a greenhouse gas emission source that achieves the  
9     equivalent reduction of greenhouse gas emissions over the same  
10    time period as a direct emission reduction, and that is approved  
11    by the state board. “Alternative compliance mechanism” includes,  
12    but is not limited to, a flexible compliance schedule, alternative  
13    control technology, a process change, or a product substitution.

14    (c) “Carbon dioxide equivalent” means the amount of carbon  
15    dioxide by weight that would produce the same global warming  
16    impact as a given weight of another greenhouse gas, based on the  
17    best available science, including from the Intergovernmental Panel  
18    on Climate Change.

19    (d) “Cost-effective” or “cost-effectiveness” means the cost per  
20    unit of reduced emissions of greenhouse gases adjusted for its  
21    global warming potential.

22    (e) “Compliance tool” means the resources specified in a  
23    regulation for compliance, including, but not limited to, computer  
24    models, databases, algorithms, formulas, datasets, forms, criteria,  
25    bulletins, manuals, instructions, orders, spreadsheets, software,  
26    Web sites, labels, protocols, and other guidance documents  
27    required for compliance.

28    (f)

29    (f) “Direct emission reduction” means a greenhouse gas emission  
30    reduction action made by a greenhouse gas emission source at that  
31    source.

32    (g)

1 (g) “Emissions reduction measure” means programs, measures,  
2 standards, and alternative compliance mechanisms authorized  
3 pursuant to this division, applicable to sources or categories of  
4 sources, that are designed to reduce emissions of greenhouse gases.

5 ~~(g)~~

6 (h) “Greenhouse gas” or “greenhouse gases” includes all of the  
7 following gases:

8 (1) Carbon dioxide.

9 (2) Methane.

10 (3) Nitrous oxide.

11 (4) Hydrofluorocarbons.

12 (5) Perfluorocarbons.

13 (6) Sulfur hexafluoride.

14 (7) Nitrogen trifluoride.

15 ~~(h)~~

16 (i) “Greenhouse gas emissions limit” means an authorization,  
17 during a specified year, to emit up to a level of greenhouse gases  
18 specified by the state board, expressed in tons of carbon dioxide  
19 equivalents.

20 ~~(i)~~

21 (j) “Greenhouse gas emission source” or “source” means any  
22 source, or category of sources, of greenhouse gas emissions whose  
23 emissions are at a level of significance, as determined by the state  
24 board, that its participation in the program established under this  
25 division will enable the state board to effectively reduce greenhouse  
26 gas emissions and monitor compliance with the statewide  
27 greenhouse gas emissions limit.

28 ~~(j)~~

29 (k) “Leakage” means a reduction in emissions of greenhouse  
30 gases within the state that is offset by an increase in emissions of  
31 greenhouse gases outside the state.

32 ~~(k)~~

33 (l) “Market-based compliance mechanism” means either of the  
34 following:

35 (1) A system of market-based declining annual aggregate  
36 emissions limitations for sources or categories of sources that emit  
37 greenhouse gases.

38 (2) Greenhouse gas emissions exchanges, banking, credits, and  
39 other transactions, governed by rules and protocols established by  
40 the state board, that result in the same greenhouse gas emission

1 reduction, over the same time period, as direct compliance with a  
2 greenhouse gas emission limit or emission reduction measure  
3 adopted by the state board pursuant to this division.

4 (m) “Metric” means units and standards of measurement by  
5 which efficiency, performance, progress, or quality of a plan,  
6 process, or product can be assessed.

7 ~~(t)~~

8 (n) “State board” means the State Air Resources Board.

9 ~~(m)~~

10 (o) “Statewide greenhouse gas emissions” means the total annual  
11 emissions of greenhouse gases in the state, including all emissions  
12 of greenhouse gases from the generation of electricity delivered  
13 to and consumed in California, accounting for transmission and  
14 distribution line losses, whether the electricity is generated in state  
15 or imported. Statewide emissions shall be expressed in tons of  
16 carbon dioxide equivalents.

17 ~~(n)~~

18 (p) “Statewide greenhouse gas emissions limit” or “statewide  
19 emissions limit” means the maximum allowable level of statewide  
20 greenhouse gas emissions in 2020, as determined by the state board  
21 pursuant to Part 3 (commencing with Section 38550).

22 **SECTION 4.**

23 **SEC. 2.** Section 38566 is added to the Health and Safety Code,  
24 to read:

25 38566. (a) (1) The state board shall make available to the  
26 public, at the time the state board adopts a regulation pursuant to  
27 this division, any implementation schedule that is required to  
28 ~~initiate compliance~~ *comply* with the regulation.

29 ~~(2) If a reporting form is required to initiate compliance with~~  
30 *(2) If a reporting form, metric, compliance tool, or training is*  
31 *required to comply with* a regulation adopted pursuant to this  
32 division, the state board shall make the reporting form, *metric,*  
33 *compliance tool, or training requirement* available to the public  
34 on the state board’s Internet Web site at least ~~45 days prior to the~~  
35 ~~date required for filing that form~~ *60 days prior to the date required*  
36 *for compliance* in accordance with the implementation schedule.

37 (b) This section does not excuse compliance from a regulation  
38 adopted before January 1, 2011, that does not meet the  
39 requirements of subdivision (a), or require the state board to

- 1 readopt or amend a regulation approved by the state board before
- 2 January 1, 2011.

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